

## **REMARKS**

### **I. REJECTION UNDER 35 U.S.C. § 103**

The Examiner has rejected claims 1-6 under 5 U.S.C. 103(a) as being unpatentable over Masters in view of Kilgore.

The Examiner asserts that “masters discloses the field of the invention, including a floating dock with valley and a pair of ridges as claimed” but “fails to disclose wheels mounted within pockets as claimed.” The Examiner also asserts that “Kilgore teaches ridges for supporting a watercraft,” that each ridge includes pockets with wheels mounted therein upon bearings (inherent)” and that “the wheels list inwardly as claimed.” The Examiner then argues that “It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Masters with wheels as taught by Kilgore. Such a combination would have been desirable at the time the invention was made so as to provide ease in loading, and hull protection.”

Applicant agrees that Masters fails to disclose wheels mounted within pockets as claimed. Applicant disagrees that Kilgore teaches ridges, disagrees that Kilgore teaches ridges that support a watercraft, disagrees that Kilgore teaches wheels that list inwardly, disagrees that it would be obvious in any way to combine the teachings of Masters and Kilgore, disagrees that it would have been desirable to combine Masters and Kilgore and disagrees that such a combination would provide ease in loading and hull protection.

#### **A. KILGORE DOES NOT TEACH RIDGES**

Kilgore teaches laterally placed rails 16 of rectangular cross section (Col.1, Ln.56-57, 59; Col.3, Ln.53). Looking at Figure 3, the rails 16 are the entire surface of the device. Looking at applicant’s Figure 3, the ridges 27 and 28 are raised portions of the dock top surface 15. Kilgore’s rails are not ridges.

## **B. KILGORE DOES NOT TEACH RIDGES THAT SUPPORT A WATERCRAFT**

The watercraft never comes in contact with Kilgore's rails 16. Kilgore neither shows nor teaches that the rails 16 are a watercraft support. Kilgore specifically says that the "elastomeric disk-shaped roller support 32 . . . constitute a watercraft support (Col.3, Ln.57-60) and shows exactly that (Fig.2).

Applicant's disclosure teaches that the keel of the watercraft is actually seated on the crests 29 and 30 of the ridges 27 and 28 and on the nadir 17 of the keel valley 16 (P.5, Ln.19-23). As claimed, the watercraft travels "on" the floating dock and the ridges 27 and 28 support the opposite sides of the hull of the watercraft.

## **C. KILGORE DOES NOT TEACH WHEELS THAT LIST INWARDLY**

Kilgore teaches specifically and only that "each upper extent (48) includes a lower angled portion and an upper essentially vertical portion" (Col.4, Ln.5-6). Kilgore teaches nothing about wheels listing. Fig. 3 is a top view of Kilgore's rails. Fig. 4 is a cross-section taken along the line 4-4 of Figure 3. In Fig. 3, the roller 32 appears to be circular, as it would appear if the roller does not list. If the roller lists, it should have been shown as an ellipse. Compare, for example, Applicant's Fig. 5. The Examiner concludes that Kilgore's wheels are listed because of Applicant's teaching, not Kilgore's.

Furthermore, Applicant's claims that the axle end bearing portions cooperate with the pocket seats to cause listing. Kilgore teaches only that "each rail has a hollow rectangular cross-section with a plurality of aligned holes 24 in opposite side faces thereof with an axle therebetween." There is no cooperation of Kilgore's axle and seats to list the rollers.

#### **D. IT IS NOT OBVIOUS TO COMBINE MASTERS AND KILGORE**

Masters is, as the Examiner notes, a floating dock. Kilgore is a “beach ramp system” (Col.1, ln.54, Col.2, Ln.33, 38, 41, 45, 49, 52, 55; Col.3, Ln.17, 37, 42, 46; Col.4, Ln.15-16 and all claims).

Kilgore uses rollers 32 as the sole support for a watercraft over a beach. Kilgore uses a winch 52 to pull the watercraft along roller supports 32 set in track rails 16. Kilgore does not winch the watercraft with its hull dragging on the rails 16. In fact, looking at Figures 2, 3 and 5, the flanges 36 would damage the hull if the watercraft was rested on the rails 16. Given that the rails 16 are twelve feet long (Col.4, Ln.27-30), Kilgore’s wheels must be 5 ½ inches or more in diameter and project at least 1.8 inches above the rails 16 to clear the hull above the flanges 36. During loading, Applicant’s ridges, valleys and other portions of the dock support the watercraft and the wheels function as a facilitator for loading the watercraft onto the dock. After loading, only the ridges, valley and other portions of the dock support the watercraft – not the rollers. Applicant describes this function in detail (P.5, Ln.19-23; P.6, Ln.28-30; P.7, Ln.29 – P.8, Ln.2; P.12, Ln.10-18). Applicant uses the watercraft’s own power moving on the water to load the watercraft onto a floating dock of length for docking only one watercraft with the hull sliding on the ridges of the dock, aided during loading by the 3/16” – 5/16” protrusion of the wheels during loading (between the wheels, the hull still rides on the ridges) until, when stopped, the wheels compress and the hull is fully on the ridges. Applicant’s claims recite that the ridges support the hull during docking and launching. Kilgore’s rails never support the watercraft.

There is no suggestion or motivation in the references to support a combination of the beach ramp system rollers of Kilgore with the floating dock of Masters. Furthermore, the combination of Kilgore’s rollers which support a watercraft above rails and Masters’ dock does not render Applicant’s claimed invention obvious in any event.

**E. IT IS NOT DESIRABLE TO COMBINE MASTERS AND KILGORE TO  
EITHER EASE LOADING OR PROTECT THE HULL**

It is desirable to use Masters' wheelless floating dock to support a watercraft on the water. It is desirable to have Kilgore's rollers support a watercraft entirely above its rails on the beach. It is not desirable to drive a watercraft onto rollers that would raise the hull entirely off a floating dock. This would not ease "loading." Without some other provision not offered by Kilgore, the watercraft would simply roll across the dock and into the water. Nor would it protect the hull. It would focus the weight of the watercraft on the wheels rather than distribute the weight fully across the ridges of the dock surface.

**II – NEW CLAIMS**

Applicant has submitted new claims 12-14 which are further distinguished over the cited references.

Claim 12 depends from claim 1 and specifically requires the angle of list to be between 65 and 75 degrees. The significance of this limitation is addressed in the specification, Ln.13-17).

Claim 13 depends from claim 1 and specifically requires the wheel to protrude not more than 5/16" above the ridge. The significance of this limitation is addressed in the specification (P.7, Ln.25-P.8, Ln.2; P.12, Ln.10-18).

Claim 14 depends from claim 1 and specifically requires the list angle be substantially perpendicular to the contacted hull surface. This is also explained in the specification (P.7, Ln.12-13).

**III. CONCLUSION**

Applicant submits that, based on the arguments above, claims 1-6 are not rendered obvious by the cited references, and allowance of claims 1-6 is respectfully requested.

Applicant also submits that new claims 12-14 are supported by the specification and are not rendered obvious by the cited references, and allowance of claims 12-14 is also respectfully requested.

Claims 7-11 have previously been allowed. Therefore, applicant requests that a Notice of Allowance be issued at this time.

It is understood there is no fee due at this time. However, should a fee deficiency have occurred, please charge Deposit Account No. 50-1971 per 37 C.F.R. § 1.25.

Respectfully submitted,



3/15/05  
Frank J. Catalano Date

Registration No. 25,836  
PTO Customer No. 07303  
GABLE & GOTWALS  
100 West 5th St., 10th Floor  
Tulsa, OK 74103  
Tel: (918) 595-4963  
Fax: (918) 595-4990  
E-mail: [iplaw@gablelaw.com](mailto:iplaw@gablelaw.com)